

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Digital Audio Broadcasting Systems	)	MM Docket No. 99-325
And Their Impact on the Terrestrial	)	
Radio Broadcast Service	)	

**COMMENTS OF THE AMERICAN SOCIETY  
OF COMPOSERS, AUTHORS AND PUBLISHERS**

The American Society of Composers, Authors and Publishers (“ASCAP”) submits these comments in the above captioned proceeding pursuant to the Further Notice of Proposed Rulemaking and Notice of Inquiry adopted by the Commission April 15, 2004 and released April 20, 2004.

ASCAP represents over 185,000 American songwriters, composers, lyricists and music publishers who create and own the copyrights to millions of musical works. On their behalf, ASCAP licenses the non-dramatic public performances of their musical works and distribute the license fees paid by the users for such performances in the form of royalties. In addition, through affiliation agreements with performing rights societies in other countries, ASCAP licenses the works of thousands of foreign writers and publishers. ASCAP seeks to ensure that its member writers and publishers are fairly compensated for the use of their works, in part, by monitoring the performances of its members’ works on various media, including broadcast radio.

ASCAP has expressed its interest in past proceedings relating to the transition to, and advancement of, digital broadcasting. In that regard ASCAP, with other musical works copyright owner groups, has filed comments in both the “Plug and Play” proceeding (CS Docket No. 97-80 and PP Docket No. 00-67) and the “Broadcast Flag” proceeding (MB Docket No. 02-230). In those proceedings we stressed the importance of regulating the transition to digital television transmissions in a way that would protect our members’ rights and would not impede ASCAP’s ability to continue the necessary monitoring of ASCAP’s members’ performances in a modern digital environment.

ASCAP is not proposing specific regulation at this point. Rather, ASCAP will reserve its right to comment as necessary to respond to specific proposals placed before the Commission. However, ASCAP affirms its basic position taken in the earlier proceedings; that the Commission should respect ASCAP’s continued ability and need to monitor analog and digital broadcast performances.

Respectfully submitted,

THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

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